

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte D. WADE WALKE,  
YI HU, HORIS NEPOMNICHY,  
C. ALEXANDER TURNER, JR., and BRIAN ZAMBROWICZ

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Appeal No. 2005-2440  
Application 09/783,320

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**ORDER DISMISSING APPEAL**

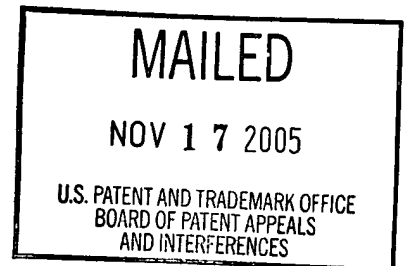
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Before FLEMING, Chief Administrative Patent Judge,  
HARKCOM, Vice Chief Administrative Patent Judge, and  
GRIMES, Administrative Patent Judge.

Per curiam.

Appellants were given a period of one month to respond to the "ORDER UNDER 37 CFR § 41.50(d)" mailed on September 22, 2005. In a communication received October 22, 2005, appellants stated that they were "withdraw[ing] the present appeal . . . without prejudice and without disclaimer in order to pursue claims in a continuing application."

Since appellants have withdrawn the appeal, the case is dismissed.



  
Michael R. Fleming, Chief  
Administrative Patent Judge

Gary V. Harkcom, Vice Chief  
Administrative Patent Judge

  
Eric Grimes  
Administrative Patent Judge

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